

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

THE ALABAMA DEMOCRATIC)
CONFERENCE, an Alabama)
political action committee, *et al.*,)

Plaintiffs,)

v.)

LUTHER STRANGE, in his official)
capacity as Attorney General of)
Alabama, *et al.*,)

Defendants.)

Civil Action No.
5:11-cv-02449-JEO

**UNOPPOSED MOTION TO POSTPONE TAXATION OF COSTS
AND CONSIDERATION OF ATTORNEY FEES**

1. On December 14, 2011, the court entered a final order in this case. *See doc. 25.* In it, the Court dismissed the plaintiffs' claim under Section 2 of the Voting Rights Act, but granted the plaintiffs summary judgment with respect to their First Amendment claim. Consistent with that result, the Court gave the plaintiffs 21 days in which to petition for an award of attorney fees.

2. On December 15, 2011, the defendants noticed their appeal as to the grant of partial summary judgment in the plaintiffs' favor. *See doc. 26.*

3. On December 16, 2011, the plaintiffs filed a bill of costs in which they requested the clerk to tax \$367.97 as costs against all defendants. *See doc. 27.*

4. In light of the pending appeal, it is not yet clear that the plaintiffs are entitled to costs or attorney fees. The defendants' liability for such costs or fees will be known only upon resolution of the appellate process.

5. Accordingly, the defendants move the Court to stay taxation of costs and consideration of attorney fees until the appeal is resolved.

6. The plaintiffs have indicated to the undersigned counsel that they will not oppose this motion.

Respectfully submitted,

LUTHER STRANGE (ASB-0036-G42L)
Attorney General

s/William G. Parker, Jr.
Winfield J. Sinclair (ASB-1750-S81W)
James W. Davis (ASB-4063-I58J)
William G. Parker, Jr. (ASB-5142-I72P)
Assistant Attorneys General

OFFICE OF THE ATTORNEY GENERAL
501 Washington Avenue
Montgomery, Alabama 36130-0152
(334) 242-7300
(334) 353-8440 (fax)
wsinclair@ago.state.al.us
jimdavis@ago.state.al.us
wparker@ago.state.al.us

**Attorneys for Attorney General Strange,
District Attorney Broussard, and District
Attorney Graham**

CERTIFICATE OF SERVICE

I certify that on December 16, 2011, I electronically filed the foregoing document using the Court's CM/ECF system which will send notification of such filing to the following persons:

Edward Still
130 Wildwood Parkway
Suite 108 - PMP 304
Birmingham, AL 35209
(205) 320-2882
still@votelaw.com

John K. Tanner
JOHN TANNER LAW OFFICE
3743 Military Road NW
Washington, DC 20015
(202) 503-7696
john.k.tanner@gmail.com

Norman O Grubbs
JOE M. REED & ASSOCIATES LLC
524 South Court Street
Montgomery, AL 36104
(334) 834-2000
ogrubbs@bellsouth.net

s/William G. Parker, Jr.
Winfield J. Sinclair (ASB-1750-S81W)
James W. Davis (ASB-4063-I58J)
William G. Parker, Jr. (ASB-5142-I72P)
Assistant Attorneys General